

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Philip Jordan Thomas et al.

Serial No.: 10/748,720

Filed: December 30, 2003

For: PROTEIN/SOLUBILITY FOLDING
ASSESSED BY STRUCTURAL
COMPLEMENTATION

Group Art Unit: 1636

Examiner: David Guzo

Atty. Dkt. No.: UTSD:703USD1

Confirmation No. 1636

CERTIFICATE OF ELECTRONIC TRANSMISSION
37 C.F.R. § 1.8

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

April 29, 2008

Date

Steven L. Highlander

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants request a reconsideration of patent term adjustment under 37 C.F.R. §§1.705(b).

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) included with the Notice of Allowance and Fee(s) Due dated April 3, 2008 indicates a patent term adjustment of 0 days.

On September 23, 2005, the U.S. Patent Office mailed an Office Action. Applicants filed a response on December 27, 2005, resulting in applicant delay of four days. However, a Notice of

Abandonment was mailed on May 22, 2006 indicating a reply to the Office Action mailed on September 23, 2005 was never received. Applicants responded to the Notice of Abandonment by filing a Request for Reconsideration of Holding of Abandonment on August 11, 2006. Applicants note that the PAIR entries indicate an Applicant delay of 231 days from December 23, 2005 (three months after date of Office Action) to August 11, 2006 (date of Request for Reconsideration of Holding of Abandonment). A Decision on Petition mailed on October 10, 2006 indicated the Notice of Abandonment was vacated and the holding of abandonment was withdrawn. Since the PTO concluded a reply to the Office Action was timely submitted, the 231 days should not count against Applicants. Therefore, Applicants request the delay of 231 days to be changed to 4 days, December 23, 2005 (three months after date of Office Action) to December 27, 2005 (date of reply to Office Action).

The U.S. Patent Office mailed an Office Action on February 23, 2005. Applicants responded on May 25, 2005. A delay on the part of the Applicants of 2 days (period of time between May 23, 2005 and May 25, 2005) was correctly indicated in PAIR's calculations.

An Appeal Brief was filed by Applicants on April 10, 2007. The U.S. Patent Office mailed an Ex Parte Quayle Action on December 13, 2007. A delay on the part of the U.S. Patent Office of 125 days (period of time between August 10, 2007 and December 13, 2007) was correctly indicated in PAIR's calculations.

Applicants respectfully request an adjustment of the patent term from 0 days to 119 days, an adjustment of 119 days.

The required fee in the amount of \$200.00 in accordance with 37 C.F.R. § 1.18(e) is being charged to a credit card through EFS-Web concurrently with this submission. The Commissioner is hereby authorized to deduct any underpayment of fees or any additional fees required under 37

C.F.R. §§ 1.16 to 1.21 in connection with the filing of this paper from Fulbright & Jaworski Deposit
Account No.: 50-1212/UTSD:703USD1.

Respectfully submitted,


Steven L. Highlander
Reg. No. 37,642

Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: April 29, 2008